

Remarks

The foregoing amendments and following remarks are responsive to the January 28, 2008 Office Action.

Status of the Claims

Claims 18-19 are amended. Claims 14-40 are pending.

Rejections under 35 U.S.C. § 112

Claims 18-19 and 33-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 18-19 are amended herein to provide antecedent basis. Claims 33-34, which depend from Claim 15, recite component (f), which is present in Claim 15. Therefore, Claims 33-34 have not been amended. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 14-18, 20-33 and 35-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German Publication DE 10102009 (Schmid) which corresponds to U.S. Patent Publication No. 2004/0067213.

Schmid relates to cosmetic and pharmaceutical agents, and discloses preparations containing at least one acylated amino acid and at least one protein condensate. The Examiner correctly asserts that Schmid does not teach, with sufficient specificity, a detergent mixture containing a protein fatty acid condensate, a protein hydrolyzate, an acylated amino acid, an amino acid, and the other requisite components of the composition in the specific amounts as recited in the claims, but the Examiner alleges it would have been obvious, to formulate a detergent mixture containing the above components, with a reasonable expectation of success, based on the broad teachings of Schmid which allegedly suggests the particular combination and amounts.

To support a conclusion of obviousness, either (1) the reference(s) must expressly or impliedly suggest the claimed combination, or (2) the Examiner must

present a convincing line of reasoning as to why a skilled worker would have found the claimed invention to have been obvious, in view of the teachings of the reference(s).

Contrary to the Examiner's allegations, the broad disclosure in Schmid of several components in Applicants' claims does not expressly or impliedly disclose the invention as claimed. Although Schmid discloses protein condensates, protein hydrolyzates, and acylated amino acids, Schmid does not disclose the addition of an amino acid, or the specific combination or amounts of components as set forth in Claim 14 (from which Claims 16-18, 20-33 and 35-40 depend), i.e., (a) 10 to 30% by weight of a protein fatty acid condensate; (b) 1 to 12% by weight of a protein hydrolyzate; (c) 3 to 20% by weight of an acylated amino acid; (d) 1 to 12% by weight of an amino acid; and (e) 0 to 3% by weight of a preservative.

In addition, the alleged motivation or reason set forth by the Examiner does not lead one skilled in the art to arrive at the specific combination or amounts of components as claimed, without the benefit of Applicants' disclosure, particularly in view of the lack of disclosure in Schmid relating to the addition of an amino acid as claimed.

In view of the foregoing, since it would not have been obvious for the skilled worker to arrive at the particular combination and amounts as claimed, with any reasonable expectation of success, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 19 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmid in view of U.S. Patent Publication No. 2001/0031712 (Ziganke). Ziganke relates to a surfactant composition which includes one or more alkyl ether sulfates, one or more alkyl sulfonates, and one or more amphoteric surfactants. The amphoteric surfactants may include acylated amino acids.

The addition of the salt forms of the acylated amino acids in Ziganke to the disclosure of Schmid does not cure the deficiencies of Schmid discussed above, in view of the lack of disclosure in Schmid relating to the addition of an amino acid as claimed. There is also no teaching or suggestion in either Schmid or Ziganke, or the combination

Reply to Office Action of January 28, 2008
Appl. No. 10/539,729
Group Art Unit: 1796

thereof, to select the particular components or amounts as claimed, regardless of the salt forms of the acylated amino acids disclosed by Ziganke.

In addition, no convincing line of reasoning is provided as to why the specific combination or amounts of components as claimed would have been obvious. The only apparent reason for making the specific combination of components in the amounts as claimed is based on Applicants' disclosure.

In view of the foregoing, since it would not have been obvious for the skilled worker to arrive at the particular combination and amounts as claimed, with any reasonable expectation of success, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

Fees

No fees are believed due. The Commissioner is authorized, however, to charge any fees deemed due (or credit any balance owing) to Deposit Account No. 50-1177.

Conclusion

It is respectfully submitted that Claims 14-40 are in condition for allowance. A Notice of Allowance is respectfully requested. If anything further is needed to advance the allowance of this application, the Examiner is requested to contact Applicants' attorney at the telephone number indicated below.

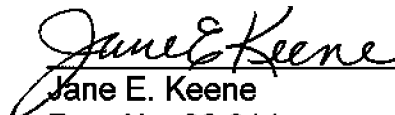
Respectfully submitted,

April 8, 2008

Date

Cognis Corporation, Patent Dept.
300 Brookside Avenue
Ambler, PA 19002

JEK/ras



Jane E. Keene

Reg. No. 36,014

Attorney for Applicants

Telephone: (215) 628-1474

Facsimile: (215) 628-1345